

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

NO. 2:15-cv-00042-BO

RED WOLF COALITION, DEFENDERS
OF WILDLIFE, AND ANIMAL WELFARE
INSTITUTE,

Plaintiffs,

v.

THE UNITED STATES FISH AND
WILDLIFE SERVICE; JIM KURTH, in his
official capacity as Acting Director of the
United States Fish and Wildlife Service; and
MIKE OETKER, in his official capacity as
Acting Regional Director of the United States
Fish and Wildlife Service Southeast Region,¹

Defendants.

**PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

**[Fed. R. Civ. Pro. 56]
[Local Civil Rules 7.1, 56.1]**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, plaintiffs Red Wolf Coalition, Defenders of Wildlife, and Animal Welfare Institute, hereby move the Court to enter summary judgment in Plaintiffs' favor on all claims for relief in Plaintiffs' Second Amended Complaint. For the reasons set forth in detail in Plaintiffs' Statement of Uncontested Facts and Plaintiffs' Memorandum of Law in Support of Motion for Summary Judgment, Plaintiffs respectfully submit that the United States Fish and Wildlife Service ("USFWS" or "Service"), USFWS Acting Director Jim Kurth, and USFWS Acting Southeast Regional Director Mike

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Jim Kurth, Acting Director of the U.S. Fish and Wildlife Service, is substituted for Daniel M. Ashe, former Director, and Mike Oetker, Acting Regional Director of the U.S. Fish and Wildlife Service Southeast Region, is substituted for Cynthia Dohner, former Regional Director.

Oetker (collectively, “Defendants”) are violating and will continue to violate the Endangered Species Act, 16 U.S.C. § 1531 et seq., and its implementing regulations, and the National Environmental Policy Act, (“NEPA”), 42 U.S.C. §§ 4321-47.

Plaintiffs request that the Court grant Plaintiffs’ Motion for Summary Judgment. In addition, given the nature of Defendants’ ongoing violations that are jeopardizing the continued existence of the wild red wolf population, Plaintiffs further request that this Court use its equitable discretion to:

- Maintain the injunction against the capturing and killing of non-problem wolves issued by this Court on September 28, 2018;
- Order the USFWS to within 30 days of an order granting Plaintiffs’ Motion for Summary Judgment to either reinstate coyote sterilization and red wolf releases or explain why such action is not necessary to provide for the conservation of the red wolf;
- Require that any subsequent modification to the historic implementation of the red wolf rule or the longstanding red wolf adaptive management program go through required analyses under the ESA, NEPA, and the Administrative Procedure Act before they take effect.

Respectfully submitted, this the 12th day of March, 2018.

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CERTIFICATE OF SERVICE

I hereby certify that on March 12, 2018, I electronically filed the foregoing **MOTION FOR SUMMARY JUDGMENT** with the Clerk of the Court using the CM/ECF system, which will automatically send notification of such filing to counsel for Defendants.

This the 12th day of March, 2018.

/s/ Sierra B. Weaver
Sierra B. Weaver